

Senate Amendment to
House File 493

H-8170

1 Amend House File 493, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 331.304, Code 2016, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 11. A county shall not adopt or
8 enforce any ordinance or regulation in violation of
9 section 562A.27B or 562B.25B.

10 Sec. 2. Section 364.3, Code 2016, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 11. A city shall not adopt or
13 enforce any ordinance or regulation in violation of
14 section 562A.27B or 562B.25B.

15 Sec. 3. NEW SECTION. **562A.27B Right to summon**
16 **emergency assistance — waiver of rights.**

17 1. *a.* A landlord shall not prohibit or limit a
18 resident's or tenant's rights to summon law enforcement
19 assistance or other emergency assistance by or on
20 behalf of a victim of abuse, a victim of a crime, or an
21 individual in an emergency.

22 *b.* A landlord shall not impose monetary or other
23 penalties on a resident or tenant who exercises the
24 resident's or tenant's right to summon law enforcement
25 assistance or other emergency assistance.

26 *c.* Penalties prohibited by this subsection include
27 all of the following:

28 (1) The actual or threatened assessment of
29 penalties, fines, or fees.

30 (2) The actual or threatened eviction, or causing
31 the actual or threatened eviction, from the premises.

32 *d.* Any waiver of the provisions of this
33 subsection is contrary to public policy and is void,
34 unenforceable, and of no force or effect.

35 *e.* This subsection shall not be construed to

1 prohibit a landlord from recovering from a resident
2 or tenant an amount equal to the costs incurred to
3 repair property damage if the damage is caused by law
4 enforcement or other emergency personnel summoned by
5 the resident or tenant.

6 *f.* This section does not prohibit a landlord from
7 terminating, evicting, or refusing to renew a tenancy
8 or rental agreement when such action is premised upon
9 grounds other than the resident's or tenant's exercise
10 of the right to summon law enforcement assistance or
11 other emergency assistance by or on behalf of a victim
12 of abuse, a victim of a crime, or an individual in an
13 emergency.

14 2. *a.* An ordinance, rule, or regulation of a
15 city, county, or other governmental entity shall not
16 authorize imposition of a penalty against a resident,
17 owner, tenant, or landlord because the resident, owner,
18 tenant, or landlord was a victim of abuse or crime.

19 *b.* An ordinance, rule, or regulation of a city,
20 county, or other governmental entity shall not
21 authorize imposition of a penalty against a resident,
22 owner, tenant, or landlord because the resident, owner,
23 tenant, or landlord sought law enforcement assistance
24 or other emergency assistance for a victim of abuse, a
25 victim of a crime, or an individual in an emergency, if
26 either of the following is established:

27 (1) The resident, owner, tenant, or landlord
28 seeking assistance had a reasonable belief that the
29 emergency assistance was necessary to prevent the
30 perpetration or escalation of the abuse, crime, or
31 emergency.

32 (2) In the event of abuse, crime, or other
33 emergency, the emergency assistance was actually
34 needed.

35 *c.* Penalties prohibited by this subsection include

1 all of the following:

2 (1) The actual or threatened assessment of
3 penalties, fines, or fees.

4 (2) The actual or threatened eviction, or causing
5 the actual or threatened eviction, from the premises.

6 (3) The actual or threatened revocation,
7 suspension, or nonrenewal of a rental certificate,
8 license, or permit.

9 *d.* This subsection does not prohibit a city,
10 county, or other governmental entity from enforcing any
11 ordinance, rule, or regulation premised upon grounds
12 other than a request for law enforcement assistance
13 or other emergency assistance by a resident, owner,
14 tenant, or landlord, or the fact that the resident,
15 owner, tenant, or landlord was a victim of crime or
16 abuse.

17 *e.* This subsection does not prohibit a city,
18 county, or other governmental entity from collecting
19 penalties, fines, or fees for services provided
20 which are necessitated by the cleanup of hazardous
21 materials, the cleanup of vandalism, or a response
22 to a false alarm call, which are incurred by the
23 provision of emergency medical services, or which
24 reflect other costs incurred by the city, county, or
25 other governmental entity unrelated to responding to a
26 call for law enforcement assistance or other emergency
27 assistance.

28 3. In addition to other remedies provided by law,
29 if an owner or landlord violates the provisions of this
30 section, a resident or tenant is entitled to recover
31 from the owner or landlord any of the following:

32 *a.* A civil penalty in an amount equal to one
33 month's rent.

34 *b.* Actual damages.

35 *c.* Reasonable attorney fees the tenant or resident

1 incurs in seeking enforcement of this section.

2 *d.* Court costs.

3 *e.* Injunctive relief.

4 4. In addition to other remedies provided by
5 law, if a city, county, or other governmental entity
6 violates the provisions of this section, a resident,
7 owner, tenant, or landlord is entitled to recover from
8 the city, county, or other governmental entity any of
9 the following:

10 *a.* An order requiring the city, county, or other
11 governmental entity to cease and desist the unlawful
12 practice.

13 *b.* Other equitable relief, including reinstatement
14 of a rental certificate, license, or permit, as the
15 court may deem appropriate.

16 *c.* Actual damages.

17 *d.* In a case brought by a resident or tenant, the
18 reasonable attorney fees the resident or tenant incurs
19 in seeking enforcement of this section.

20 *e.* Court costs.

21 5. For purposes of this section, "*resident*" means
22 a member of a tenant's family and any other person
23 occupying the dwelling unit with the consent of the
24 tenant.

25 **Sec. 4. NEW SECTION. 562B.25B Right to summon**
26 **emergency assistance — waiver of rights.**

27 1. *a.* A landlord shall not prohibit or limit a
28 resident's or tenant's rights to summon law enforcement
29 assistance or other emergency assistance by or on
30 behalf of a victim of abuse, a victim of a crime, or an
31 individual in an emergency.

32 *b.* A landlord shall not impose monetary or other
33 penalties on a resident or tenant who exercises the
34 resident's or tenant's right to summon law enforcement
35 assistance or other emergency assistance.

1 *c.* Penalties prohibited by this subsection include
2 all of the following:

3 (1) The actual or threatened assessment of
4 penalties, fines, or fees.

5 (2) The actual or threatened eviction, or causing
6 the actual or threatened eviction, from the premises.

7 *d.* Any waiver of the provisions of this
8 subsection is contrary to public policy and is void,
9 unenforceable, and of no force or effect.

10 *e.* This subsection shall not be construed to
11 prohibit a landlord from recovering from a resident
12 or tenant an amount equal to the costs incurred to
13 repair property damage if the damage is caused by law
14 enforcement or other emergency personnel summoned by
15 the resident or tenant.

16 *f.* This section does not prohibit a landlord from
17 terminating, evicting, or refusing to renew a tenancy
18 or rental agreement when such action is premised upon
19 grounds other than the resident's or tenant's exercise
20 of the right to summon law enforcement assistance or
21 other emergency assistance by or on behalf of a victim
22 of abuse, a victim of a crime, or an individual in an
23 emergency.

24 2. *a.* An ordinance, rule, or regulation of a
25 city, county, or other governmental entity shall not
26 authorize imposition of a penalty against a resident,
27 owner, tenant, or landlord because the resident, owner,
28 tenant, or landlord was a victim of abuse or crime.

29 *b.* An ordinance, rule, or regulation of a city,
30 county, or other governmental entity shall not
31 authorize imposition of a penalty against a resident,
32 owner, tenant, or landlord because the resident, owner,
33 tenant, or landlord sought law enforcement assistance
34 or other emergency assistance for a victim of abuse, a
35 victim of a crime, or an individual in an emergency, if

1 either of the following is established:

2 (1) The resident, owner, tenant, or landlord
3 seeking assistance had a reasonable belief that the
4 emergency assistance was necessary to prevent the
5 perpetration or escalation of the abuse, crime, or
6 emergency.

7 (2) In the event of abuse, crime, or other
8 emergency, the emergency assistance was actually
9 needed.

10 c. Penalties prohibited by this subsection include
11 all of the following:

12 (1) The actual or threatened assessment of
13 penalties, fines, or fees.

14 (2) The actual or threatened eviction, or causing
15 the actual or threatened eviction, from the premises.

16 (3) The actual or threatened revocation,
17 suspension, or nonrenewal of a rental certificate,
18 license, or permit.

19 d. This subsection does not prohibit a city,
20 county, or other governmental entity from enforcing any
21 ordinance, rule, or regulation premised upon grounds
22 other than a request for law enforcement assistance
23 or other emergency assistance by a resident, owner,
24 tenant, or landlord, or the fact that the resident,
25 owner, tenant, or landlord was a victim of crime or
26 abuse.

27 e. This subsection does not prohibit a city,
28 county, or other governmental entity from collecting
29 penalties, fines, or fees for services provided
30 which are necessitated by the cleanup of hazardous
31 materials, the cleanup of vandalism, or a response
32 to a false alarm call, which are incurred by the
33 provision of emergency medical services, or which
34 reflect other costs incurred by the city, county, or
35 other governmental entity unrelated to responding to a

1 call for law enforcement assistance or other emergency
2 assistance.

3 3. In addition to other remedies provided by law,
4 if an owner or landlord violates the provisions of this
5 section, a resident or tenant is entitled to recover
6 from the owner or landlord any of the following:

7 a. A civil penalty in an amount equal to one
8 month's rent.

9 b. Actual damages.

10 c. Reasonable attorney fees the tenant or resident
11 incurs in seeking enforcement of this section.

12 d. Court costs.

13 e. Injunctive relief.

14 4. In addition to other remedies provided by
15 law, if a city, county, or other governmental entity
16 violates the provisions of this section, a resident,
17 owner, tenant, or landlord is entitled to recover from
18 the city, county, or other governmental entity any of
19 the following:

20 a. An order requiring the city, county, or other
21 governmental entity to cease and desist the unlawful
22 practice.

23 b. Other equitable relief, including reinstatement
24 of a rental certificate, license, or permit, as the
25 court may deem appropriate.

26 c. Actual damages.

27 d. In a case brought by a resident or tenant, the
28 reasonable attorney fees the resident or tenant incurs
29 in seeking enforcement of this section.

30 e. Court costs.

31 5. For purposes of this section, "resident" means
32 a member of a tenant's family and any other person
33 occupying the dwelling unit with the consent of the
34 tenant.>